

REMARKS

The Final Office Action mailed July 13, 2009, has been received and reviewed. Claims 1 through 14 are currently pending in the application. Claims 1, 2, 4 through 10, 13 and 14 stand rejected. Claims 13 and 14 have been cancelled without prejudice. Claims 3, 11 and 12 have been objected to as being dependent upon rejected base claims. The indication of allowable subject matter in claims 3, 11 and 12 is noted with appreciation. Applicant proposes to amend claims 1-12 and submits that no new matter has been added. Reconsideration of the application as proposed to be amended herein is respectfully requested.

CLAIM OBJECTIONS:

Claim 3 stands objected to due to informalities. Claim 3 has been appropriately amended. Reconsideration and withdrawal of the objection are respectfully requested.

REJECTION UNDER 35 USC § 102:

Claims 13 and 14 stand rejected under 35 USC § 102 over Lamar (U.S. Patent No. 3,329,529). Applicant has cancelled claims 13 and 14, without prejudice, thereby rendering this rejection moot.

REJECTION UNDER DOUBLE PATENTING:

Claim 13 is provisionally rejected under the doctrine of obviousness type double patenting in view of co-pending application No. 11/450,253. Claim 13 has been cancelled thereby rendering this rejection moot.

Claims 1, 2, 4-10 are also provisionally rejected on the ground of obviousness type double patenting over U.S. Application no. 11/450,253 in view of Rogers. Applicant advises the Examiner that application No. 11/450,253 issued July 7, 2009 as U.S. Patent No. 7,556,034. In order to avoid further expenses and time delay, Applicant elects to expedite the prosecution of the present application by filing a terminal disclaimer to obviate the obviousness type double patenting rejections in compliance with 37 CFR §1.321 (b) and (c). Applicant's filing of the terminal disclaimer should not be construed as acquiescence in the Examiner's double patenting

or obviousness-type double patenting rejections. Attached are the terminal disclaimer and accompanying fee. Reconsideration and withdrawal of the provisional rejection is respectfully requested.

ALLOWABLE SUBJECT MATTER

Claims 3, 11 and 12 stand objected to as being dependent upon rejected base claims, but are indicated to contain allowable subject matter and would be allowable if placed in appropriate independent form. Applicant has amended claims 3, 11, and 12 to incorporate the elements of their respective base claim and any intervening claims. As such, Applicant submits that claims 3, 11, and 12 are in condition for allowance.

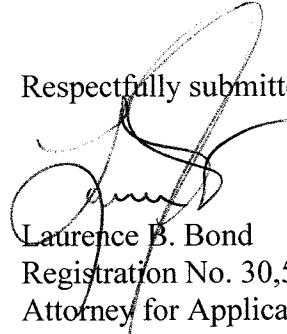
ENTRY OF AMENDMENTS

The proposed amendments to claims 1-12 above should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add any new matter to the application. Further, the amendments do not raise new issues or require a further search. Finally, if the Examiner determines that the amendments do not place the application in condition for allowance, entry is respectfully requested upon filing of a Notice of Appeal herein.

CONCLUSION

Claims 1-12 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, the Examiner is respectfully invited to contact Applicant's undersigned attorney.

Respectfully submitted,


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